Appendix.

In the petition and brief there is no mention of the fact that there were concurrent findings of fact made by the District Court and the Circuit Court of Appeals. These concurrent findings are as follows:

1. Exhibit 1, a letter from Captain Courbellis, a representative of the Greek Government, addressed to Captain Skinitis, master of the "Katingo Hadjipatera" (translation, marked Exhibit 1A, is printed at R. 28) was delivered to the Captain of the "Katingo Hadjipatera" on February 26, 1941. At about 3:15 P. M. that day the Captain of the "Katingo Hadjipatera" telephoned to Captain Courbellis in New York, acknowledging receipt of this letter (R. 108) (Skinitis, R. 91, 92; Courbellis, R. 73).

2. A translation of Exhibit 1 referred to in the finding which we have marked (1) is printed in the Court's decision at page 109 of the record, and reads as follows:

> "To the Captain of the SS 'Katingo Hadjipatera', c/o T. Parker Host, c/o Terminal Building, Newport News, Virginia.
>
> Following a cabled order of the Greek Legation in London dated February 22, 1941, your boat has been requisitioned to transport cargo belonging to the Greek Government to Piraeus. As soon as you have unloaded your present cargo sail to the Port of New York to take on this new shipment. Agents for this shipment are the Greek Line, 10 Bridge Street, New York City. Kindly acknowledge receipt of this letter."

No other communication from the Greek Government was sent to Captain Skinitis until March 12, 1941, five days after the vessel was taken into the custody of the Court (R. 109-110, 1).

3. The title of the vessel was not requisitioned by the Greek Government (R. 108) (Courbellis, R. 89; Statement of Proctor for Appellant, R. 97).

4. The possession and use only of the vessel were requisitioned by the Greek Government (R. 108) (Courbellis, R. 89; Statement of Proctor for Appellant, R. 97).

5. Possession and use were to be given to the Greek Government pursuant to such requisition after the delivery of the cargo which the "Katingo Hadjipatera" had aboard at the time she was requisitioned (R. 108) (R. 28; Courbellis, R. 73, 74, 84; Skinitis, R. 92).

6. When the "Katingo Hadjipatera" arrived in the United States she had a varied cargo, mostly tobacco (R. 108) (R. 40).

7. During the voyage a fire developed in one of the vessel's holds (R. 108) (R. 36, 45, 46).

8. Part of the cargo was discharged at Newport News, part at Norfolk, and thereafter the vessel sailed for New York, about midnight March 5, 1941 (R. 108) (R. 47, 48, 49, 50, 52).

9. The vessel arrived at New York on March 7, 1941, and a libel was filed on that date (R. 108) (R. 53, 1).

10. When the vessel arrived at Newport News she was assisted by the Agent for the owners of the steamer, the three individual respondents named in the libel (R. 110) (R. 96).

11. Papers necessary to enter the vessel in the Custom House at both Newport News and Norfolk were filed on behalf of these respondents (R. 110) (R. 95, 97).

12. Bunkers were furnished to the vessel and

payment made on account of expenses from the ship's moneys (R. 110) (R. 96, 101, 102).

13. No endorsement was made, either upon the manifest or ship's register, or any other document of the ship, to indicate that there had been any transfer or change of title to the vessel (R. 110) (R. 95, 97).

14. The vessel was entered at the Custom House in New York by Agents for the charterer (R. 110) (R. 98; Exhibit A).

15. The pier to which the vessel went in New York was the pier of Messrs. Garcia & Diaz, who were Agents for the Hellenic Line, the charterers of the vessel (R. 110) (R. 83, 80).

16. At the time the vessel was in New York, she had cargo for New York and also for a further port, to wit, Camden, New Jersey (R. 110) (R. 84, 74).

17. The Greek Government did not take physical possession of the vessel at any time prior to the filing of the libel or the seizure of the vessel under the libel or the writ of attachment (R. 110) (R. 73-74, 81).

18. The Captain of the vessel did not on behalf of the Greek Consul or the Greek Government take possession of the vessel prior to the filing of the libel and the seizure of the vessel by the United State Marshal for the Southern District of New York (R. 110) (R. 91-92).

19. It was the intention and purpose of the Greek Government, and it was the understanding of the master of the vessel, that possession of the vessel for the Greek Government was not to be taken, and the master was not to follow the orders of the Greek Government with respect to the vessel and her operations, until after the westbound cargo of the vessel had been discharged (R. 111) (R. 73-74, 81, 92).